

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Jeffrey J. Gilberts v. Danielle Manderino-Gilberts

Gilberts · No. 5D2024-0992 · Decided July 11, 2025

SUMMARY

The Fifth District Court of Appeal of Florida reversed an amended final judgment modifying child support in a dissolution matter. The court held that the trial court improperly changed the child-support amounts established in the parties’ marital settlement agreement and deviated from the statutory guidelines without the required specific written findings. The case was remanded for entry of a compliant written order or further proceedings.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	MacIver, J.; Lambert, J.; Kilbane, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	July 11, 2025
DOCKET	5D2024-0992
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an amended final judgment on a supplemental petition for modification of final judgment in a dissolution proceeding.
PRECEDENTIAL VALUE	Published
PARTIES	Jeffrey J. Gilberts v. Danielle Manderino-Gilberts

TOPICS

- child support
- contract interpretation
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- child support
- contracts
- appellate procedure

QUESTIONS PRESENTED

- Whether the trial court impermissibly changed the child-support amounts and step-down provisions established in the parties' clear and unambiguous Marital Settlement Agreement.

2. Whether the trial court could deviate from the child-support guidelines by more than five percent without specific written findings explaining why the guideline amount would be unjust or inappropriate.
3. Whether the trial court violated the appellant's due-process rights by ordering an upward child-support deviation that the appellee had not sought.

HOLDINGS

1. Absent a substantial change in circumstances or a finding that the agreement is contrary to the child's best interests, a trial court generally may not order a different child-support amount from that agreed upon in a clear and unambiguous marital settlement agreement.
2. A deviation from the child-support guidelines by more than five percent must be supported by specific written findings explaining why the guideline amount would be unjust or inappropriate; failure to make those findings constitutes reversible error.

KEY QUOTATIONS

"Therefore, unless there is a substantial change in circumstances or the agreement is found to be against the best interests of the child, it is generally reversible error for a court to order a different amount of child support than what was agreed upon by the parties in a marital settlement agreement." (3)

"The trial court impermissibly changed the amount of child support agreed upon by the parties in the Marital Settlement Agreement and deviated from the statutory guidelines without a written finding explaining why the guidelines amount "would be unjust or inappropriate," as required by the statute." (3)

FACTUAL BACKGROUND

Jeffrey J. Gilberts and Danielle Manderino-Gilberts were married for just over nineteen years and had four minor children. Their Marital Settlement Agreement required Jeffrey to pay \$3,000 per month in child support until the oldest child reached majority, followed by \$2,000 per month until the youngest child reached majority, without additional step-down provisions. The trial court instead ordered \$3,132 per month initially and then \$3,000 per month, despite the agreement's \$2,000 step-down and the statutory guideline amounts, and did not provide the required written findings supporting the deviation.

PROCEDURAL HISTORY

The parties entered into a Marital Settlement Agreement providing for specified child-support amounts and step-down provisions. The trial court denied the appellee's motion to set aside the agreement and entered an amended final judgment imposing child-support amounts that differed from the agreement and deviated from the statutory guidelines. The appellant appealed, challenging the child-support award and an alleged due-process violation; the appellate court reversed on the child-support grounds and did not reach the due-process issue.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must either enter a written order satisfying the statutory requirements for the child-support award and any deviation from the guidelines or conduct further proceedings.

CASES CITED

- Pack v. Wiechert, 285 So. 3d 1031, 1033 (Fla. 1st DCA 2019)
- Walsh v. Walsh, 262 So. 3d 212, 215 (Fla. 5th DCA 2018)
- Crawford v. Barker, Crawford v. Barker, 64 So. 3d 1246, 1255 (Fla. 2011)
- Davis v. Davis, 390 So. 3d 1251 (Fla. 5th DCA 2024)
- Simmons v. Simmons, 922 So. 2d 373 (Fla. 4th DCA 2006)
- Huff v. Huff, 556 So. 2d 537 (Fla. 4th DCA 1990)
- Cash v. Cash, 122 So. 3d 430 (Fla. 2d DCA 2013)
- Quinn v. Quinn, 169 So. 3d 268 (Fla. 2d DCA 2015)
- Finley v. Scott, 707 So. 2d 1112 (Fla. 1998)
- Lotz v. Lotz, 686 So. 2d 704 (Fla. 2d DCA 1996)
- Morrow v. Frommer, 913 So. 2d 1195 (Fla. 4th DCA 2005)